



LAC DU FLAMBEAU BAND

OF LAKE SUPERIOR

CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67
2500 HWY. 47 NORTH

LAC DU FLAMBEAU, WISCONSIN 54538

(715) 588-4213
FAX# (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

April 24, 2019

Mr. Todd Ambs
Assistant Deputy Secretary
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921



Mr. James Yach
Wisconsin Department of Natural Resources
107 Sutliff Ave
Rhineland, WI 54501-3349

Ms. Connie Antonuk
Wisconsin Department of Natural Resources
107 Sutliff Ave
Rhineland, WI 54501-3349

Mr. Christopher A. Saari
Wisconsin Department of Natural Resources
2501 Golf Course Road
Ashland, WI 84806

Re: Tower Standard Service/ Haskell Lake Contamination Site
Bill and Linda Kozak Property -14267 W State Highway 70, Lac du Flambeau WI
TNR Site # 4-2015; WDNR BRRS Activity #03-64-127899; PECFA #54538-9517-67

Dear WDNR Leadership and Northern Region Staff:

The Tribal Natural Resources Department of the Lac du Flambeau Band of Lake Superior Chippewa Indians (TNR) has reviewed the January 7, 2019 Update Report prepared by REI on behalf of Mr. William Kozak, owner of the above referenced Tower Standard Service / Haskell Lake Site. The Tribe is sending you this letter formally objecting to the REI Update Report and for the reasons noted below is **requesting that the report be disregarded in its entirety.**

As further detailed below, the REI Update Report materially misrepresents the technical status of the Tower Standard Service Site and makes a number of knowingly false and misleading statements about the history of the Site and such matters as access and intergovernmental cooperation. REI then attempts to avoid responsibility for its inferior technical analysis by seeking to close the yet uncharacterized site by directing the WDNR's attention to an adjacent property. The unilateral self-serving REI Update Report is of such low quality that it appears to intentionally mislead and avoid regulatory oversight from the WDNR and the TNR.

Set out below is a detailed review and correction of the numerous materially incorrect statement made in the REI Update Report.

1. REI Claims the Tribe limited access

Access was granted to REI on December 18, 2017 and granted access was reaffirmed in several subsequent letters dated May 15, 2018 and June 27, 2018.

WDNR recognized the Tribe's September 20, 2017 access agreement with the Sundbergs in an October 25, 2017 letter. The Tribe requested a scope of work to proceed with grant of access on November 7, 2017. A sampling workplan followed, and the work plan was approved by TNR on November 30, 2017 and access was granted on December 18, 2017.

The Responsible Party representative (REI) has consistently denied access to activities contributing toward the site investigation. Correspondence related to access denials for site investigation activities include TNR's May 16, 2017 and June 15, 2017 letters.

Earlier in the project there were problems with REI sharing data and applying restrictions to EPA work (limiting what parameters EPA could sample on the RP property). EPA directed contractor cooperation in EPA's January 4, 2016 letter.

Referenced letters are attached to this letter as Exhibit A.

2. REI asserts that the initial investigation was not assessed because of access.

This assertion is inconsistent with the facts. A review of the State files finds no mention of access restrictions.

The WDNR records do show that closure was denied in April 2006 because groundwater data showed an increasing plume for benzene in MW-9, the downgradient well. Additional sampling was completed. The results continued to show an increasing plume for benzene. Although the actual groundwater results for MW-9 continue to provide a statistical increasing plume, altered lab results were provided in the Table presented for closure. The misreported data provided a stable plume determination at the time WDNR regulators made their regulatory decision.

Relevant WDNR closure documents are attached as Exhibit B.

3. **REI assertion that they were not provided USEPA well logs.**

Well Logs were provided to REI and included in EPA's contractor report dated September 23, 2016. This report was also shared with directly with REI and WDNR and also included on EPAs On-Scene Coordinator Response file sharing website <https://response.epa.gov>.

4. **REI assertion that lead and lead scavengers are from a separate plume not associated with the Tower Standard.**

According to REI reports, the Tower Standard operated from the 1940s until tanks were removed in 1997. This included a timeframe of leaded gasoline use. According to State Records, leaded gasoline and several waste oil tanks were closed in 1997 at the Tower Standard. Lead and lead scavengers were present in the 1992 contamination well of the adjacent Tower Hotel and the Tower Standard well was found to be contaminated with dichloroethane and lead in 1998. Recent results show lead and lead scavengers near the former tank basin, the expected source.

The lead scavenger contaminant 1,2, dibromoethane was detected in the tank basin area wells (MW21 well nest) located on the Responsible Party property and MW 20 located near the tank basin. For the remainder of the site, lab detection limits are greater than established standards. EPA sampling found 1,2, dibromoethane at a concentration of 2,030 ug/l at the MW20 nest at a depth of 20-25 feet. This is the only well screened at a depth of 20-25 feet. EPAs December 22 2017 Corrective Measure Study includes "Previous operation of a pump-and treat system may have pulled contamination into deeper zones." The occurrence here is likely reflective of the depth of contamination in this area after the influence of REI's pump and treat system that operated from 2001 to 2004 and pumped groundwater from a depth of 32 -62 feet.

Likewise, EPA sampling found the lead scavenger contaminant 1,2- dichloroethane at a concentration of 59.1 ug/l at the MW-20 well nest located near the tank basin. Again, this is the only well screened at a depth of 20-25 feet. The contaminant 1,2- dichloroethane was also found in groundwater collected beneath the lakebed. The Limit Of Detection (LOD) for REI sampling work could also be contributing to EPA data showing significant detections, while REI data does not find detections (i.e. LOD < 67.2ug/l). Also, the TNR has repeatedly reminded REI that the collection of samples under vacuum conditions is inadvisable. EPA sampling used appropriate methods for sample collection, but only sampled two of the site's well nests. The remaining wells were not sampled with appropriate methods.

5. **REI Assertion that high concentrations in Monitoring Well MW-20 are from a separate release not associated with the Tower Standard Service Site.**

The more likely reason why MW-20, located near the eastern side of the tank basin, has higher contaminant concentrations than other wells is because MW-20 is the only well screened at a depth of 20-25 feet. Therefore the horizontal extent of contamination at a depth of 20-25 feet remains undefined. The MIP/HPT work for this area shows interbedded fine sediments within the top 15 feet of soils overlying more permeable sands. There are zero wells screened between 15 and 20 feet, an expected depth of contamination, and only one well screened at a depth 20-25 feet.

6. **REI Failure to Meet Regulatory Requirements**

REI failed to complete a site investigation that defines the degree and extent of contamination. While TNR reviewed, provided comment, and approved every scope of work offered by REI, REI has not prepared a site investigation nor a plan to complete a site investigation.

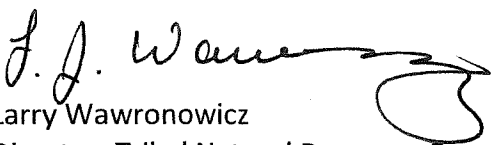
TNR has offered investigation work including USGS geotechnical work and water level measurement work. REI denied access to these services that would contribute to site assessment.

The TNR considers the REI Update Report to present a gross mischaracterization of the investigation performed by REI. Furthermore, the report appears to include self-serving, incorrect and intentionally negative statements about the TNR that have no place in what should be a professional document paid for with public funding.

For the reasons set out above, the TNR respectfully requests that the ***WDNR promptly reject the REI Update Report.*** The TNR further requests the opportunity to meet with the WDNR to conduct an agency-to-agency consultation regarding the Tower Standard / Haskell Lake Site at your earliest convenience.

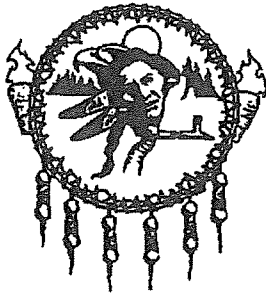
Sincerely,

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS



Larry Wawronowicz
Director, Tribal Natural Resource Department
Enclosures

Exhibit A



LAC DU FLAMBEAU BAND

OF LAKE SUPERIOR

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TRIBAL NATURAL RESOURCE DEPARTMENT

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Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

December 18, 2017

Mr. Chris Saari
WDNR
2501 Golf Course Rd
Ashland, WI 54806

RE: Invitee Access- GRANTED FOR WDNR/REI
PRT SE SW EXC 366-607 PCL 1 ASSMT INC CN 1992 Parcel 12-8
REI Monitoring Well Sampling Work
LDF TNR Site No. 004-2015

Mr. Saari,

The Tribal Natural Resource Department ("Department") received your Request for Access on behalf of REI for Groundwater Monitoring Related Activities at the Tower Standard/ Haskell Lake Petroleum Contamination Site. REI has provided the Department with the work plan mentioned in your October 25, 2017 letter for monitoring well sampling activities on November 13, 2017 and the previously omitted attachments on November 29, 2017. The Department has reviewed and the work plan, provided a detailed review, and conditionally approved sampling activities on November 30, 2017.

The November 30, 2017 conditional approval correspondence recognized the contaminant plume remains undefined based on the existing well network resulting in a significant site investigation deficiency. In addition, Department review of the Monitoring Well Sampling Plan found the work plan did not account for detection and measurement of NAPL, provided a detection limit for 1,2-Dibromoethane (EDB) greater than the Tribal, Federal and State Enforcement Standards, and utilized a vacuum method to pull groundwater from depth not consistent with Federal and Tribal guidance.

The pending grant of access is contingent on the Department being provided with copies of all site plans or agreements pertaining to proposed or planned Site Investigation and Remediation and upon REI making the following additions/changes to its November 13, 2017 plan of work, specifically;

- 1) NAPL observations shall be measured and recorded at the time of sampling,
- 2) The lab analytical method chosen for 1,2- Dibromoethane (EDB) shall provide for a detection limit of less than 0.05 micrograms/liter, and
- 3) Copies of any Site Planning documents that address unmet site investigation and/or remediation objectives shall be provided to the Department

Please note that any samples collected under the unadvised method of using a peristaltic pump will be flagged by the Department as low biased.

As soon as the site plans are shared and we receive WDNR and REI's concurrence in writing, as set out below, the Department will grant access to WDNR and its agent, REI in accordance with the Terms of Grant of Access as set out below.

Terms of Grant of Access

WDNR and REI have been granted access to the property described as PRT SE SW EXC 366-607 PCL 1 ASSMT INC CN 1992 Parcel 12-8 as an invitee to the Access Agreement entered between the Tribal Natural Resource Department and Rose and Lisa Sundberg as Invitees of the Department and subject to the oversight of the Department.

The grant of access is valid and effective for only 8 quarterly rounds of groundwater sampling scheduled for January 2018, April 2018, July 2018, October 2018, January 2019, April 2019, July 2019, and October 2019 (collectively "Sampling Events"). Once a specific date is determined; the Department will be provided no less than 10 working day notice.

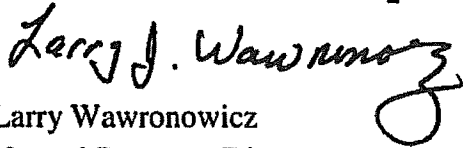
The grant of access is valid for only access to Monitoring Wells located on the Property; these wells are identified as MW20 and MW20D.

All activities of the WDNR and of REI shall be performed in a professional manner and the Property shall be properly maintained during Sampling Events. REI shall perform its activities in a workman like manner and shall be legally responsible for any negligent activities that adversely impact the Property or exacerbate any existing contamination located on or beneath the Property.

The grant of access to the Property is valid only during scheduled Sampling Events and at such times as Department representatives are on the Property and the WDNR and/or REI shall be subject to Department oversight.

All sampling derived waste and purge water shall immediately be removed from the Property by REI after each Sampling Event.

Sincerely,



Larry Wawronowicz
Natural Resource Director

Agreement to the Terms of Grant of Access:

By their signatures below, the WDNR and REI agree to be bound by the above noted terms of this Agreement.

WDNR

Date

REI

Date

cc: Rose and Lisa Sundberg
Dave Larsen, REI
Connie Antonuk, WDNR



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Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

May 15, 2018

Mr. David Larsen
REI
4080 N. 20th Avenue
Wausau, WI 54401

RE: Notice of Planned Sampling Work Received
LDF TNR Site No. 004-2015
EPA LUST Facility ID 361
WDNR BRRTS 303-64-127889

Mr. Larsen,

The Lac du Flambeau Tribal Natural Resource Department (Department) received your May 15, 2018 email providing notice of groundwater sampling activities you have planned for May 2018. The notice did not include the actual date of planned work. The notice provides that the wells planned to be sampled have been reduced from those identified in the November 2017 conditionally approved work plan to only "*the existing wells located on the Kozak property*". The email notice does not specifically identify wells to be sampled. The Department understands the wells located on the Kozak Property to be; the MW18 monitoring well nest, the MW19 monitoring well nest, the MW21 monitoring well nest, and the MW 22 monitoring well nest. The notice also includes the following statement "*If additional wells are to be sampled, Rei respectfully requests notification of the additional wells by Tuesday May 22nd .*" The Department does not understand this statement. Please respond with explanation.

The Tribal Natural Resource Department conditionally approved the November 2017 Monitoring Well Sampling Work Plan in a letter dated November 30, 2017. The November 30 letter reminded you the contaminant plume remained undefined based on the existing monitoring well network, the horizontal and vertical extent of NAPL also remained undefined, and the results of porewater and sublake sampling demonstrate that the undefined plume extends beneath and into Haskell Lake. Please be advised that the conditions have not changed since the November 30, 2017 letter. The site still lacks a complete Site Investigation and the contaminant plume remains undefined.

February 2018 REI Sampling Results received March 7, 2018

The Department received REI's February 2018 sample result tables via email on March 7, 2018. The tables include reported water level elevations and reported lab results from 3 of the 4 well nests

located on the Kozak Property. Lab analytical reports and sampling forms were not provided. These are outstanding requirements of EPA's January 4, 2016 letter to Bill and Linda Kozak and the Department's November 30, 2017 conditional approval of monitoring well sampling.

A review of the data tables found that the work deviated from the November 2017 Monitoring Well Sampling Work Plan. These deviation include a reduction of the wells sampled (6 of the 16 monitoring wells identified in the Monitoring Well Sampling Plan were sampled), and samples were analyzed for only a portion of the parameters included in the work plan. In addition, the limit of detection for 1,2-Dibromoethane was not less than the EPA, Tribal, and WDNR enforcement standard. This issue was identified in the November 30, 2017 Conditional Approval Letter and the appropriate detection limit was also identified as a requirement in the December 18, 2017 Grant of Access Letter.

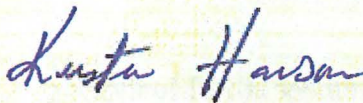
Grant of Access for Affected Parcel- Sundbergs

Grant of Access as on Invitee to complete groundwater monitoring work activities described in the approved November 2017 REI Monitoring Well Sampling Work Plan remains active. As described in the December 18, 2017 Invitee Access- Grant of Access Letter, access to sample monitoring wells located on the adjacent parcel 12-8, identified as MW 20 and MW20D are contingent on the following:

- NAPL observations shall be measured and recorded at the time of sampling,
- The Lab analytical method chosen for 1,2- Dibromoethane shall provide for a detection limit of less than 0.05 micrograms/ liter,
- Once a specific date is determined, the Department will be provided no less than 10 working day notice,
- The Grant of access to the Property is valid only during the scheduled sampling event and at such times as the Tribal Natural Resource Department representatives are on the property overseeing work,
- Invitee (REI) signature to the December 18, 2017 Agreement Terms of Access, and
- Samples collected from sampled wells will be analyzed for all parameters listed in the November 2017 work plan.

Also, consistent with EPA's January 4, 2016 letter; the grant of access requires REI to continue to provide the Tribe work plans for all site work as well as site planning documents.

Sincerely,



Kristen Hanson
Environmental Response Program Coordinator

cc: Dee Allen, TNR
Larry Wawronowicz, TNR
Chris Saari, WDNR
Connie Antonuk, WDNR
Rose and Lisa Sundberg



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Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

June 27, 2018

Mr. David Larsen
REI
4080 N. 20th Avenue
Wausau, WI 54401

RE: Notice of Planned Sampling Work Received
LDF TNR Site No. 004-2015
EPA LUST Facility ID 361
WDNR BRRTS 303-64-127889

Mr. Larsen,

The Lac du Flambeau Tribal Natural Resource Department (Department) received your Friday June 22, 2018 email providing notice of groundwater sampling activities you have planned for the following week. The notice did not include the actual date of planned work. The actual date of work is expected consistent with EPA's January 4, 2016 letter directing you to provide 10 day notice to the Tribe. Also, the Department expects lab analytical reports from your February 2018 sampling work consistent with EPA's January 4, 2016 letter and the Department's November 30, 2017 conditional approval of monitoring well sampling.

Your notice provides that you plan to deviate from the conditionally approved well sampling plan and only sample a subset of the existing monitoring well network as "REI will only be sampling wells on the Kozak Property" and further identifies ME18, MW-19, and MW-22 monitoring well nests. There appears to be a misunderstanding of well locations relative to property boundaries as you have excluded the MW-21 monitoring well nest shown to be within Kozak Property Boundaries on REI's November 2017 Monitoring Well Sampling Plan map. In addition, monitoring well nest 21 is shown to be within Kozak Property Boundaries on all other REI maps, EPA maps, and Tribal Maps.

Your notice inaccurately states that REI does not have access to the Sundberg Property to complete monitoring well sampling work. Your Grant of Access as on Invitee to complete groundwater monitoring work activities described in the approved November 2017 REI Monitoring Well Sampling Work Plan remains active. As described in the December 18, 2017 Invitee Access- Grant of Access Letter, access to sample monitoring wells located on the adjacent parcel 12-8, identified as MW 20 and MW20D are contingent on the following:

- NAPL observations shall be measured and recorded at the time of sampling,
- The Lab analytical method chosen for 1,2- Dibromoethane shall provide for a detection limit of less than 0.05 micrograms/ liter (applicable enforcement standard),
- Once a specific date is determined, the Department will be provided no less than 10 working day notice,
- The Grant of access to the Property is valid only during the scheduled sampling event and at such times as the Tribal Natural Resource Department representatives are on the property overseeing work,
- Invitee (REI) signature to the December 18, 2017 Agreement Terms of Access, and
- Samples collected from sampled wells will be analyzed for all parameters listed in the November 2017 work plan.

Also, consistent with EPA's January 4, 2016 letter; the grant of access requires REI to continue to provide the Tribe work plans for all site work as well as site planning documents.

The Tribal Natural Resource Department conditionally approved the November 2017 Monitoring Well Sampling Work Plan in a letter dated November 30, 2017. The November 30 letter reminded you the contaminant plume remained undefined based on the existing monitoring well network, the horizontal and vertical extent of NAPL also remained undefined, and the results of monitoring well, porewater, and sublake sampling demonstrate that the undefined plume extends beneath and into Haskell Lake. Please be advised that the conditions have not changed since the November 30, 2017 letter. The site still lacks a complete Site Investigation and the contaminant plume remains undefined.

Sincerely,



Kristen Hanson
Environmental Response Program Coordinator

cc: Dee Allen, TNR
Larry Wawronowicz, TNR
Chris Saari, WDNR
Connie Antonuk, WDNR
Rose and Lisa Sundberg

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Department of Natural Resources
2501 Golf Course Rd.
Ashland WI 54806

Scott Walker, Governor
Daniel L. Meyer, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



October 25, 2017

MS LISA SUNDBERG
PO BOX 399
TRINIDAD CA 95570

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA
TRIBAL NATURAL RESOURCES DEPARTMENT
ATTN: LARRY WAWRONOWICZ
PO BOX 67
2549 HWY 47 N
LAC DU FLAMBEAU WI 54538

Subject: Request for Access for Groundwater Monitoring Related to the Tower Standard Site
WDNR BRRTS Activity #03-64-127899

Dear Ms. Sundberg and Mr. Wawronowicz:

The Wisconsin Department of Natural Resources (DNR) Remediation and Redevelopment Program is requesting access to the Sundberg property described in the abbreviated legal description of PRT SE SW EXC 366-607 PCL 1 ASSMT INC CN 1992, Parcels 12-8 on Vilas County Survey Map Land Records, Lac du Flambeau, Wisconsin 54538. This request is made pursuant to the Access Agreement entered into between the Tribal Natural Resources Department (TNR), and Rose Joy and Lisa Sundberg, signed on July 20, 2017 and September 20, 2017, respectively. The purpose of the access is for REI, the environmental consultant hired by Bill and Linda Kozak to address the Tower Standard site, to perform quarterly groundwater sampling of monitoring wells on the Sundberg property as part of a comprehensive groundwater monitoring plan.

As required by the January 4, 2016 letter from the U.S. Environmental Protection Agency (EPA) to the Kozaks, REI's quarterly sampling plan will be shared with EPA and TNR for review prior to the initiation of quarterly monitoring. DNR has instructed REI to prepare a quarterly sampling plan that is substantially similar to groundwater monitoring plans that have been previously approved for this site. In addition, DNR has instructed REI that they will need to provide advance notice of access at least ten (10) calendar days prior to each sampling event, as required under the Access Agreement. And as required under Wisconsin Administrative Code § NR 716.14 (2), REI shall report all sampling results to the Sundbergs and TNR within ten (10) business days of receiving the sampling results.

Please provide your concurrence to this request to me at the address listed above, or by email at Christopher.Saari@Wisconsin.gov, within ten (10) calendar days from the date of this letter. If you have questions regarding this request, I can also be reached by telephone at 715-685-2920.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Christopher A. Saari".

Christopher A. Saari
Hydrogeologist

cc: Kristen Hanson – TNR (via email)
Dave Larsen – REI (via email)
Bob Egan – U.S. EPA (via email)
Steve Ales – DNR Madison (via email)
Shelly Allness – DNR Madison (via email)



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Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

November 30, 2017

Mr. David Larsen
REI
4080 N. 20th Avenue
Wausau, WI 54401

RE: *REI Monitoring Well Sampling Work Plan*
Conditional Approval
LDF TNR Site No. 004-2015
EPA LUST Facility ID 361
WDNR BRRTS 303-64-127889

Mr. Larsen,

The TNR received your Monitoring Well Sampling Work Plan on November 13, 2017 and missing attachments on November 29, 2017. The Scope of Work provided in the work plan is to complete 8 quarterly rounds of groundwater monitoring "to aid in defining the vertical and lateral extent of groundwater contamination at the site."

Please be aware the contaminant plume is undefined to the west and southwest based on the existing monitoring well network. Where existing wells are present, the screened interval depth does not always intersect the depth of the identified contaminant plume. Also, the vertical and horizontal extent of Non-Aqueous Phase Liquids remains undefined. NAPL determination and measurements have been conducted on the MW20 Well nest. Measurable NAPL was observed in MW20D. In addition, Haskell Lake remains a contaminant receptor. Recent porewater and sublake sampling demonstrate the undefined plume extends beneath and into Haskell Lake.

The TNR has reviewed the submitted Monitoring Well Sampling Plan and note the following:

- 1) The sampling plan does not account for detection and measurement of NAPL in monitoring wells.
- 2) The work plan listed method detection limit for 1,2-Dibromoethane (EDB) is more than 3 times the Tribal, Federal and State Enforcement Standard. I have attached EPA's memo from EPA's Office of Underground Storage Tanks for guidance.

- 3) The proposed method of VOC sample collection under vacuum with a peristaltic pump is unadvisable, particularly for groundwater collected from depth. Using Negative pressure to lift the sample can result in the loss of volatile analytes. EPA guidance reports "the peristaltic pump is limited to shallow applications and can cause degassing resulting in alteration of pH, alkalinity, and volatiles loss"; Low-Flow (Minimal drawdown) Groundwater-Water Sampling Procedures, by Robert Puls & Michael Barcelona, April 1996, EPA/540/S-95/504.

The Department approves the scope of work described in your proposal contingent on the following conditions:

- 1) The quarterly monitoring field work is expected to be conducted in December 2017, March 2018, June 2018, September 2018, December 2018, March 2019, June 2019, and September 2019. Once a specific date is determined; the Tribal Natural Resource Department will be provided no less than 10 working day notice.
- 2) The Tribal Natural Resource Department Staff be provided access to the 14267 State Highway 70 West property during sampling activities for the purpose of observing sampling work.
- 3) All investigative waste documentation be provided to the Tribe within 30 days.
- 4) All laboratory data reports be submitted to the Tribal Natural Resource Department within one week of receipt from the laboratory.
- 5) Results and Reports be provided to the Tribe concurrent with any other agency submittal and within 2 weeks of generation.

A response to the WDNR's request on your behalf for access to the adjacent parcel for the purpose of sampling the MW20 well nest is detailed in separate correspondence.

Sincerely,



Kristen Hanson
Environmental Response Program Coordinator

cc: Dee Allen, TNR
Larry Wawronowicz, TNR
Chris Saari, WDNR
Connie Antonuk, WDNR



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May 16, 2017

William and Linda Kozak
8760 W Squaw Lake Rd
Lac Du Flambeau WI 54538

Re: Offer to Collect Depth to Bedrock Data
Haskell Lake Area Contamination Site
14267 W State Highway 70, Lac du Flambeau
TNR Site # 4-2015

Dear Mr. and Mrs. Kozak:

The Tribal Natural Resource Department offered for USGS and Wisconsin Geological and Natural History Survey to use passive geophysical tools to collect bedrock depth and topography data on May 15, 2017 as both were completing work in the vicinity of Haskell Lake and surrounding area. In addition, your consultant was contacted via phone and a follow-up email on May 15, 2017 (attached). The email details the proposed work, methods, a picture of equipment to be used, and data sharing (attached).

On May 16, 2017 Linda contacted Kristen Hanson via telephone and responded that access was not granted for the proposed work. In the call, Linda was informed that no work would occur on your property and your property would not be accessed during the proposed work. Linda asked for reconsideration of the sale of her property to the Tribe as well as frustration over how long the assessment and cleanup has taken. I offered that the Natural Resource Department was also frustrated over the length of time assessment and cleanup has taken and offered Tribal Staff to meet with the you to share and explain all the information the Tribe has acquired to date and explore possible options to move forward at a quicker pace.

The TNR's policy is to work cooperatively with persons to ensure the efficient, prompt and effective cleanup of hazardous waste sites. Cooperating with the TNR, in planning or conducting remedial actions at the Site, is not an admission of guilt or liability.

If you have any questions or comments, please feel free to contact me at (715) 588-4290.

Sincerely,



Kristen Hanson
Environmental Response Program Coordinator
Tribal Natural Resource Department
Lac du Flambeau Band of Lake Superior Chippewa Indians

c: Dee Allen, TNR Environmental Manager
Larry Warwonowicz, TNR Director
Bob Egan, EPA Corrective Action Manager
Chris Saari, WDNR Hydrogeologist

Hanson, Kristen

From: Hanson, Kristen
Sent: Monday, May 15, 2017 5:01 PM
To: Dave Larsen
Cc: Christopher.Saari@wisconsin.gov; egan.robert@epa.gov; Greenwater.anthony@Epa.gov; Allen, Dee
Subject: Haskell Lake Site Update- Depth to Bedrock Opportunity
Attachments: 20170515_143448.jpg

Good Afternoon Dave,

I spoke with Bill and Linda this afternoon regarding USGS work taking place this week. USGS and the WGNHS are collecting geophysical measurement data in the vicinity of the Haskell Lake and surrounding area. There is an opportunity to collect passive seismic data from the Kozak's property during this field deployment tomorrow. This will likely be useful data for site assessment.

Two types of passive seismic tools are

- 1) A yellow box (see attached picture) is placed on the ground for 20 minutes. The earth's vibrations are measured and Depth to Bedrock information can be garnered.
- 2) A seismic profile across the site looks for depth to bedrock along a line. Metal Stakes are placed every 15-20 feet along a line connected to a geophone. A noise is made (hitting a hammer on a stake) and the vibrations are recorded. Depth to Bedrock and Bedrock Topography information can be garnered.

Results would be shared with you, EPA, and State, as soon as they become available.

In the telephone conversation with Bill and Linda, Linda referred me to you and reported that you would respond to me.

Kristen Hanson
Environmental Response Program Coordinator
Lac du Flambeau Tribal Natural Resource Department
Office: 715-588-4290
Cell : 715-614-4644





File Copy - mailed 6/16/2017
USPS

LAC DU FLAMBEAU BAND

OF LAKE SUPERIOR CHIPPEWA INDIANS

TRIBAL NATURAL RESOURCE DEPARTMENT

P.O. BOX 67
2500 HWY. 47 NORTH

LAC DU FLAMBEAU, WISCONSIN 54538

(715) 588-4213
FAX# (715) 588-3207

Fish Culture - Fisheries Management - Wildlife Management - Water Resources - Environmental Protection - Conservation Law - Energy - Air Quality

June 15, 2017

William and Linda Kozak
8760 W Squaw Lake Rd.
Lac Du Flambeau, WI 54538

Re: TNR Site # 4-2015: Haskell Lake Area Petroleum Contamination Site
14267 W State Highway 70, Lac du Flambeau
Access Agreement & Summer 2017 Data Collection Opportunities

Dear Mr. and Mrs. Kozak:

On June 9, 2017, the Department participated in a call with EPA, the WDNR, and REI (the Parties) regarding the USGS data collection opportunities and discussed how best to work together to achieve expediting progress toward the collective goal of assessment and cleanup of the Site resulting in Site Closure. All Parties agreed that providing the Department and the USGS with access to the Site to collect data, a reasonable and necessary step toward reaching this goal.¹

There are three categories of Site related data that need to be collected this summer: (1) seasonal groundwater measurements; (2) hydraulic conductivity - slug tests; and (3) geophysical surveys. As described below, the Department would appreciate your approval to conduct the

¹ The Department's policy is to work cooperatively to ensure the efficient, prompt, and effective cleanup of hazardous waste sites. A. Fuller explanation of the Department's role and responsibilities was set out in our letter to you of November 15, 2016.

6/19/2017
KH called BU Kozak
left telephone
message
6/22/2017
called lab. / 14
clausen to
dates
6/22/2017
FAXED email
with dates
REI requested
info
6/26/2017 2:18
left message
confirm FAX
received - data
liability method
6/28/2017 9:00
am
left message

6/28/2017
7:07pm
Linda
leaves
message
deciding
against
access
agreement
Dave has
other ideas
bring up
at 7/16
call ->

following work, by signing the enclosed Access Agreement so that we may promptly move forward and conduct the following data collection activities:

(1) Seasonal Groundwater Measurements. The USGS will collect seasonal groundwater measurements from wells on the Site. The USGS is planning up to one collection day event per month for a four (4) month period beginning this June and ending this September.

(2) Hydraulic Conductivity – Slug Tests. The USGS will conduct hydraulic conductivity tests, including slug tests. The USGS plans to be on Site during one collection day between June and September. The USGS plans to conduct this test while at the Site during one of the four seasonal groundwater measurement dates.

(3) Geophysical Surveys. The USGS will conduct geophysical surveys on the Site. A description of this work was detailed in our letter to you of May 16, 2017. The surveys can be completed in two working days. The USGS plans to conduct these surveys at the same time as it conducts one of the four seasonal groundwater measurement dates.

The Department will promptly notify you of the actual data collection and survey dates as soon as the USGS notifies the Department, but no less than three (3) days before the USGS undertakes data collection and surveying. In order to maximize the data collection and survey efforts the USGS and the Department will require access to the Site from 8am-7pm on the specified collection and survey dates. The Department will promptly share all data from these collections and surveys with your consultant REI, as well as with the WDNR and EPA.

William and Linda Kozak
June 15, 2016
Page 3

To allow for this work to be completed, we have prepared the enclosed access agreement for your review and signature. Time is short, as the USGS, REI, the WDNR and the Department would like to plan a visit to the Site to collect data later this month. Please sign and return a signed copy of the access agreement by mail, email, or fax as soon as possible, to the address set out below:

Lac du Flambeau Band of Lake Superior Chippewa
Tribal Natural Resource Department
Attn: Larry Wawronowicz
P.O. Box 67
2549 Hwy. 47 North
Lac du Flambeau, Wisconsin 54538
Email lwawronowicz@ldftribe.com
Tel: (715) 588-4160
Fax: (715) 588-3207

Thank you for your help. Please contact me at (715) 588-4290 if you have any questions.

Sincerely,



Kristen Hanson
Environmental Response Program Coordinator
Tribal Natural Resource Department
Lac du Flambeau Band of Lake Superior Chippewa Indians

Enclosure

cc: Chris Saari, WDNR
Dave Larsen, REI
Ignacio Arrazola, EPA
Sherry Kamke, EPA
Bob Egan, EPA
Erik Olson, EPA
Larry Wawronowicz, TNR
Dee Allen, TNR

CONFIDENTIAL
ACCESS AGREEMENT

THIS CONSENSUAL AGREEMENT is made and entered into between the Tribal Natural Resource Department (Department), an agency of the Lac du Flambeau Band of Lake Superior Chippewa (LDF), a sovereign Indian Tribe whose government is recognized by the United States, and William and Linda Kozak (Kozaks), in their personal and marital capacity, whose residence is 8760 West Square Lake Road, Lac du Flambeau, Wisconsin 54538 (the Site). The Department and the Kozaks are collectively referred to herein as "Parties."

A. RECITALS

1. On October 13, 2008, the LDF adopted a Hazardous Substance Control Code (Code) to provide a remedial law for the cleanup of historic hazardous substances sites, address adverse impacts to the Reservation Environment resulting from releases or threatened releases of hazardous substances, and for other purposes.
2. The Code expressly authorizes the Tribe to exercise its civil regulatory authority for the purpose of identifying, investigating, and cleaning up areas within the Reservation Environment that are impacted or potentially impacted by releases of hazardous substances. The Code also authorizes the Natural Resource Department (Department) and its employees, agents, or contractors to enter upon properties and conduct investigations.
3. The United States Environmental Protection Agency (EPA) has ordered that corrective action must be taken to address the contamination from leaking underground storage tanks (USTs) associated with the Tower Standard site located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin (Site). The Site is located within the boundaries of the LDF reservation (Reservation).
4. The EPA has further required the Kozaks to provide EPA and its authorized representatives with continued access to freely move about the Site for the purpose of sampling activities, including soils and groundwater, and installation of groundwater monitoring wells. See January 11, 2016 Access Agreement between EPA and the Kozaks.
5. The Department and the Kozaks desire to clarify the terms of the Department's access to the Site and Work Activities (as defined in ¶ 2 below) to further expedite remedial actions in cooperation with the Wisconsin Department of Natural Resources (WDNR) and REI as specified in this Agreement.

B. AGREEMENT

1. Grant of Access. The Kozaks hereby grant to the Department, its members, officers, employees, authorized representatives, and its invitees, the United States Geological Survey (USGS) access to freely move about the Site to perform or observe Work Activities.

2. Work Activities. The Department shall perform "Work Activities" as part of the EPA corrective action, including but not limited to participating in sampling activities including soils and groundwater, and installation of groundwater monitoring wells.

3. Advance Notice and Coordination of Work Activities. Except in the case of emergency, the Department shall use its best efforts to provide reasonable notice to the Kozaks (not less than ten (10) calendar days) prior to accessing the Site and not less than three (3) calendar days for USGS Work Activities (groundwater measurements, hydraulic conductivity – slug tests, and geophysical surveys) for the purpose of expediting Site remediation. Notice shall be provided to the Kozaks as described below.

4. Notice. Any notice given to or made upon either of the Parties shall be in writing and be delivered via email, by telephone, or by U.S. Mail to the receiving party at the following addresses:

If to the Department:

Lac du Flambeau Band of Lake Superior
Chippewa
Tribal Natural Resource Department
Attn: Larry Wawronowicz
P.O. Box 67
2549 Hwy. 47 North
Lac du Flambeau, Wisconsin 54538
Email: lwawronowicz@ldftribe.com
Tel: 715-588-4160
Fax: 715-588-3207

If to the Kozaks:

William and Linda Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538
Tel: 715-588-3934
Fax: 715-588-3934

5. Effective Date. This Agreement shall come into full force and effect on the date on which both Parties have executed this Agreement.

TRIBAL NATURAL RESOURCE DEPARTMENT

LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA

By: Larry Wawronowicz

Date: 6/16/17

Name: Larry Wawronowicz

Its: Tribal Natural Resource Department Director

WILLIAM KOZAK

Date: _____

LINDA KOZAK

Date: _____



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 04 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL # [7001 0320 0006 0184 8079]
RETURN RECEIPT REQUESTED

William and Linda Kozak
8760 West Squaw Lake Road
Lac du Flambeau, Wisconsin 54538

**Re: Tower Standard Site - Contractor Cooperation with EPA; Consent for Access;
Incomplete Ability to Pay Information**

Dear Mr. and Mrs. Kozak:

As you are aware, investigations of contamination from leaking underground storage tanks are ongoing at your property located at 14267 State Highway 70 West in Lac du Flambeau, Wisconsin, also known as the Tower Standard site. The U.S. Environmental Protection Agency's October 13, 2015 Corrective Action Notice to you noted that some of the work carried out under Wisconsin's Petroleum Environmental Cleanup Fund Award (PECFA) at the site may address corrective action requirements of 40 C.F.R. Part 280, for which you are liable.

In order for work under the PECFA program to adequately cover the federal requirements your PECFA contractor carrying out that work must consistently cooperate with EPA and the Lac du Flambeau Band of Lake Superior Chippewa Natural Resources Division (NRD). This includes, but is not limited to, providing EPA and the Tribal NRD the opportunity to review work plans, providing EPA and the Tribal NRD adequate notice of sampling and other work the contractor performs at the site, and providing EPA and Tribal NRD any sample results. You must direct your contractor to do this. This is separate from any requirement to provide the State of Wisconsin with this information. This information includes, but is not limited to, laboratory data reports, well log forms, field notes, and sampling forms. All outstanding reports, forms, and notes are needed as soon as possible.

For future work, all laboratory data reports must be submitted within one week of receipt from the laboratory by your contractor. Other information must be submitted to EPA within 2 weeks of generation. All information may be submitted either by paper copy or electronically. Additionally, your contractor must give notice of any sampling or field activity no later than 10 working days prior to the commencement of the activity so plans can be made by EPA and the Tribe to be present.

Additionally, EPA will require continued access to the site, and the previous consent to access you provided to us was dated but unsigned. Section 9005 of RCRA, 42 U.S.C. § 6991d, authorizes EPA to enter the Site to obtain samples, conduct monitoring or to take corrective

action, among other activities. With that in mind, please sign and date the enclosed consent to access and return it within 10 days of receipt of this letter. If you do not give consent or your consent limits activities EPA must perform to address the contamination, you should be aware that EPA has the authority to obtain access through a warrant or federal order.

Finally, EPA received the financial information you submitted to support your claim that you cannot afford to pay for corrective action at your property. You did not provide enough information for our financial expert to evaluate your ability to pay. Specifically, you did not include the amount of funds in the three bank accounts listed in your individual inability to pay form. This information is clearly relevant to your ability to pay for corrective action; you must submit to us your most recent bank statements from each of these accounts if you wish to continue your claim.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it.

We are available to discuss the situation with you and encourage you to contact us if you have any questions regarding this letter. You can reach Bob Egan of my staff at (312) 886-6212, or your legal counsel may contact Erik Olson, Associate Regional Counsel, at (312) 886-6829.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Guerriero', with a stylized, flowing script.

Margaret M. Guerriero
Director
Land and Chemicals Division

Enclosure

Exhibit B

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: September 15, 2006

FILE REF: BRRTS # 03-64-127899

TO: Closure Committee

FROM: Chuck Weister

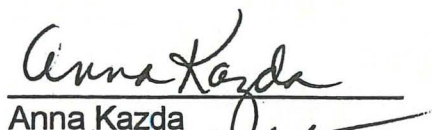
SUBJECT: **Closure Review – Fast Track
Tower Standard Service**

Consultant: Dave Larson of ECCI

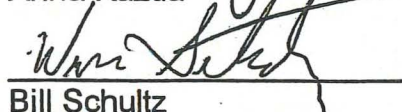
Closure was denied by our letter of April 6, 2006 based on a benzene increasing trend in MW-9. The consultant collected an additional round of samples from MW-9 and Recovery Well RW-3. The sample results and a re-request for closure were submitted June 1, 2006. The benzene concentration in MW-9 is now stable. No contaminants were found in RW-3 which is located downgradient of MW-9.

Closure with a Soil and Groundwater GIS Registry was requested and is appropriate. Janet's review of the GIS Package indicates all appropriate material has been provided. No conditions, such as structural impediments or a cap that would have formerly required a deed restriction, exist at the site.

Concur:



Anna Kazda



Bill Schultz





Transportation • Municipal • Site Development • GPS
Remediation • Environmental Assessments • Emergency Response • Safety

June 1, 2006

Ms. Janet Kazda
Wisconsin Department of Natural Resources
107 Sutliff Ave.
Rhineland, WI 54501

Subject: Update Case Closure Request
Tower Standard Service
14267 Hwy. 70
Lac Du Flambeau, WI
PECFA Claim #54538-9517-67
BRRTS ID #03-64-127889

899

Dear Ms. Kazda:

On behalf of Tower Standard Service, REI Engineering, Inc. (REI) hereby submits an update letter documenting recent groundwater sampling results. This site was initially reviewed for case closure on April 6, 2006. Closure was denied due to increasing trends at piezometer MW9. Additional sampling at MW9 would need to be completed until a stable trend was identified. The closure committee also recommended that a groundwater sample be collected between MW9 and the MW12 / MW13 well nests located downgradient of MW9. This sample would assist in determining the true extent of petroleum related groundwater contamination extending downgradient of MW9.

Through conversations with Mr. Chuck Weister, WDNR Regional Project Manager, it was determined that continued sampling at MW9 would be required until Mann-Kendall trends reported either a stable or declining trend. Mr. Weister also stated that an additional well(s) located between MW9 and the MW12 / MW13 well nests may also need to be installed to define the leading edge of the downgradient contaminant plume. REI agreed to the continued sampling of MW9 and suggested that the downgradient water sample be collected from RW3. Mr. Weister agreed to this approach and REI personnel were on site on May 18, 2006 to sample MW9 and RW3.

Analytical results from the sample collected at MW9 report decreasing contaminant concentrations for all analyzed parameters and the results at RW3 were non-detect for all analyzed parameters. The updated Mann-Kendall analysis reports a stable trend for benzene, the only contaminant of concern, at MW9.

F:\REI\PROJ\0900-0999\0903\LETTERS\DN\0903il2.doc

Copies of the April 17, 2006 Closure Denial Letter, updated historical groundwater analytical tables, Mann-Kendall analysis and laboratory analytical report are also included.

Based on the April 17, 2006 recommendations of the closure committee, REI has completed the requirements outlined in the denial letter. This site is eligible for closure and closure should be granted without additional delay.

If you have any comments, questions and/or require additional information please contact our office at (715) 675-9784.

Sincerely,
REI Engineering, Inc.



David Larsen PG
Hydrogeologist/Project Manager

Enclosure (A/S)

cc: Mr. William Kozak – Tower Standard
Mr. Dave Blair, Wisconsin Department of Commerce, 201 W. Wisconsin Avenue,
Madison, WI 53708-8044

**State of Wisconsin
Department of Natural Resources
Remediation and Redevelopment Program**

**Mann-Kendall Statistical Test
Form 4400-215 (2/2001)**

Notice: This form is the DNR supplied spreadsheet referenced in Appendices A of Comm 46 and NR 746, Wis. Adm. Code. It is provided to consultants as an optional tool for groundwater contaminant trend analysis to support site closure requests under s. Comm 46.07, Comm 46.08, NR 746.07, NR 746.08, Wis. Adm. Code. Use this form or a manual method when seeking case closure under those rules. Earlier versions of this form should not be used.

Instructions: Do not change formulas or other information in cells with a blue background; only cells with a yellow background are used for data entry. To use the spreadsheet, provide at least four rounds and not more than ten rounds of data that is not seasonally affected. Use consistent units. The spreadsheet contains several error checks, and a data entry error may cause "DATA ERR" or "DATE ERR" to be displayed. Dates that are not consecutive will show an error message and will not display the test results. The spreadsheet tests the data for both increasing and decreasing trends at both 80 percent and 90 percent confidence levels. If a declining trend is present at 80 percent but not at 90 percent, a site is still eligible for closure under Comm 46 and NR 746 provided that other conditions in those rules are met. If an increasing or decreasing trend is not present, an additional coefficient of variation test is used to test for stability, as proposed by Wiedemeier et al., 1999. For additional information, refer to the Interim Guidance on Natural Attenuation for Petroleum Releases, dated October, 1999. Refer to the guidance for recommendations on data entry for non-detect values.

Site Name =		Tower Standard		BRRTS No =		03-64-127889		Well Number =		MW9	
	Compound ->	Benzene Concentration (leave blank if no data)	Toluene Concentration (leave blank if no data)	Ethylbenzene Concentration (leave blank if no data)	Total Xylenes Concentration (leave blank if no data)	Total TMB Concentration (leave blank if no data)	MTBE Concentration (leave blank if no data)				
Event Number	Sampling Date (most recent last)										
1	20-Jul-05	51.00									
2	30-Nov-05	81.00									
3	27-Mar-06	88.00									
4	18-May-06	81.00									
5											
6											
7											
8											
9											
10											
Mann Kendall Statistic (S) =		0.0	0.0	0.0	0.0	0.0	0.0	0.0			
Number of Rounds (n) =		4	0	0	0	0	0	0			
Average =		75.25	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!			
Standard Deviation =		16.500	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!			
Coefficient of Variation (CV) =		0.219	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!			
Error Check: Blank if No Errors Detected		n<4	n<4	n<4	n<4	n<4	n<4	n<4			
Trend: ≥ 80% Confidence Level		No Trend	n<4	n<4	n<4	n<4	n<4	n<4			
Trend: ≥ 90% Confidence Level		No Trend	n<4	n<4	n<4	n<4	n<4	n<4			
Stability Test: If No Trend Exists at 80% Confidence Level		CV ≤ 1 STABLE	n<4	n<4	n<4	n<4	n<4	n<4			
Data Entry By =		Date = 1-Jun-06		Checked By =							

Tower Standard
Lac du Flambeau, WI

Table 7d

Mann-Kendall Statistical Analysis for MW9

REI Project Number 903

f:\reishare\larsen\0903\closure\april closure information\903 updated mk 2006.xls\mw9

State of Wisconsin

Department of Natural Resources

Remediation and Redevelopment Program

Mann-Kendall Statistical Test
Form 4400-215 (2/2001)

Notice: This form is the DNR supplied spreadsheet referenced in Appendices A of Comm 46 and NR 746, Wis. Adm. Code. It is provided to consultants as an optional tool for groundwater contaminant trend analysis to support site closure requests under s. Comm 46.07, Comm 46.08, NR 746.07, NR 746.08, Wis. Adm. Code. Use this form or a manual method when seeking case closure under those rules. Earlier versions of this form should not be used.

Instructions: Do not change formulas or other information in cells with a blue background, only cells with a yellow background are used for data entry. To use the spreadsheet, provide at least four rounds and not more than ten rounds of data that is not seasonally affected. Use consistent units. The spreadsheet contains several error checks, and a data entry error may cause "DATA ERR" or "DATE ERR" to be displayed. Dates that are not consecutive will show an error message and will not display the test results. The spreadsheet tests the data for both increasing and decreasing trends at both 80 percent and 90 percent confidence levels. If a declining trend is present at 80 percent but not at 90 percent, a site is still eligible for closure under Comm 46 and NR 746 provided that other conditions in those rules are met. If an increasing or decreasing trend is not present, an additional coefficient of variation test is used to test for stability, as proposed by Wiedemeier et al, 1999. For additional information, refer to the Interim Guidance on Natural Attenuation for Petroleum Releases, dated October 1999. Refer to the guidance for recommendations on data entry for non-detect values.

Site Name : Confirmation of WDNR Tower Standard Service Data Entry			BRRTS No. = 364127889		Well Number = MW-09		
Compound ->		Benzene	Toluene	Ethylbenzene	Total Xylenes	Total TMB	MTBE
		Concentration	Concentration	Concentration	Concentration	Concentration	Concentration
		(leave blank if no data)	(leave blank if no data)	(leave blank if no data)	(leave blank if no data)	(leave blank if no data)	(leave blank if no data)
Event Number	Sampling Date (most recent last)						
1	5-Jul-05	51.00					
2	30-Nov-05	81.00					
3	27-Mar-06	88.00					
4	18-May-06	82.00					
5							
6							
7							
8							
9							
10							
Mann Kendall Statistic (S) =		4.0	0.0	0.0	0.0	0.0	0.0
Number of Rounds (n) =		4	0	0	0	0	0
Average =		75.50	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Standard Deviation =		16.623	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Coefficient of Variation(CV)=		0.220	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
Error Check, Blank if No Errors Detected			n<4	n<4	n<4	n<4	n<4
Trend ≥ 80% Confidence Level		INCREASING	n<4	n<4	n<4	n<4	n<4
Trend ≥ 90% Confidence Level		No Trend	n<4	n<4	n<4	n<4	n<4
Stability Test, If No Trend Exists at 80% Confidence Level		NA	n<4	n<4	n<4	n<4	n<4
Data Entry By =			Date =		Checked By =		



RECEIVED

MAY 31 2006

1241 Bellevue Street, Suite 9
Green Bay, WI 54302
920-469-2436, Fax: 920-469-8827

Analytical Report Number: 872249

Client: REI

Lab Contact: Laurie Woelfel

Project Name: TOWER STANDARD

Project Number: 903

Lab Sample Number	Field ID	Matrix	Collection Date
872249-001	MW9	WATER	05/18/06 03:50
872249-002	RW3	WATER	05/18/06 04:00

I certify that the data contained in this Final Report has been generated and reviewed in accordance with approved methods and Laboratory Standard Operating Procedure. Exceptions, if any, are discussed in the accompanying sample comments. Release of this final report is authorized by Laboratory management, as is verified by the following signature. This report shall not be reproduced, except in full, without the written consent of Pace Analytical Services, Inc. The sample results relate only to the analytes of interest tested.

Approval Signature

Date

**Pace Analytical
Services, Inc.**

Analytical Report Number: 872249

1241 Bellevue Street
Green Bay, WI 54302
920-469-2436

Client : REI
Project Name : TOWER STANDARD
Project Number : 903
Field ID : MW9

Matrix Type : WATER
Collection Date : 05/18/06
Report Date : 05/26/06
Lab Sample Number : 872249-001

PVOC + NAPHTHALENE

Prep Date: 05/25/06

Analyte	Result	LOD	LOQ	EQL	Dil.	Units	Code	Anl Date	Prep Method	Anl Method
1,2,4-Trimethylbenzene	2.4	0.39	1.3		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
1,3,5-Trimethylbenzene	0.44	0.40	1.3		1	ug/L	Q	05/25/06	SW846 5030B	SW846 M8021
Benzene	82	0.14	0.46		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Ethylbenzene	< 0.40	0.40	1.3		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Methyl-tert-butyl-ether	5.8	0.36	1.2		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Naphthalene	1.1	0.47	1.6		1	ug/L	Q	05/25/06	SW846 5030B	SW846 M8021
Toluene	0.92	0.36	1.2		1	ug/L	Q	05/25/06	SW846 5030B	SW846 M8021
Xylene, o	1.6	0.36	1.2		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Xylenes, m + p	6.0	0.74	2.5		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Surrogate		LCL	UCL							
a,a,a-Trifluorotoluene	101	80	124		1	%		05/25/06	SW846 5030B	SW846 M8021

**Pace Analytical
Services, Inc.**

Analytical Report Number: 872249

1241 Bellevue Street
Green Bay, WI 54302
920-469-2436

Client : REI

Project Name : TOWER STANDARD

Project Number : 903

Field ID : RW3

Matrix Type : WATER

Collection Date : 05/18/06

Report Date : 05/26/06

Lab Sample Number : 872249-002

PVOC + NAPHTHALENE

Prep Date: 05/25/06

Analyte	Result	LOD	LOQ	EQL	Dil.	Units	Code	Anl Date	Prep Method	Anl Method
1,2,4-Trimethylbenzene	< 0.39	0.39	1.3		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
1,3,5-Trimethylbenzene	< 0.40	0.40	1.3		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Benzene	< 0.14	0.14	0.46		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Ethylbenzene	< 0.40	0.40	1.3		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Methyl-tert-butyl-ether	< 0.36	0.36	1.2		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Naphthalene	< 0.47	0.47	1.6		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Toluene	< 0.36	0.36	1.2		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Xylene, o	< 0.36	0.36	1.2		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Xylenes, m + p	< 0.74	0.74	2.5		1	ug/L		05/25/06	SW846 5030B	SW846 M8021
Surrogate		LCL	UCL							
a,a,a-Trifluorotoluene	98	80	124		1	%		05/25/06	SW846 5030B	SW846 M8021

Qualifier Codes

Flag Applies To Explanation

A	Inorganic	Analyte is detected in the method blank. Method blank criteria is evaluated to the laboratory method detection limit. Additionally, method blank acceptance may be based on project specific criteria or determined from analyte concentrations in the sample and are evaluated on a sample by sample basis.
B	Inorganic	The analyte has been detected between the method detection limit and the reporting limit.
B	Organic	Analyte is present in the method blank. Method blank criteria is evaluated to the laboratory method detection limit. Additionally, method blank acceptance may be based on project specific criteria or determined from analyte concentrations in the sample and are evaluated on a sample by sample basis.
C	All	Elevated detection limit.
D	All	Analyte value from diluted analysis or surrogate result not applicable due to sample dilution.
E	Inorganic	Estimated concentration due to matrix interferences. During the metals analysis the serial dilution failed to meet the established control limits of 0-10%. The sample concentration is greater than 50 times the IDL for analysis done on the ICP or 100 times the IDL for analysis done on the ICP-MS. The result was flagged with the E qualifier to indicate that a physical interference was observed.
E	Organic	Analyte concentration exceeds calibration range.
F	Inorganic	Due to potential interferences for this analysis by Inductively Coupled Plasma techniques (SW-846 Method 6010), this analyte has been confirmed by and reported from an alternate method.
F	Organic	Surrogate results outside control criteria.
G	All	The result is estimated because the concentration is less than the lowest calibration standard concentration utilized in the initial calibration. The method detection limit is less than the reporting limit specified for this project.
H	All	Preservation, extraction or analysis performed past holding time.
HF	Inorganic	This test is considered a field parameter, and the recommended holding time is 15 minutes from collection. The analysis was performed in the laboratory beyond the recommended holding time.
J	All	Concentration detected equal to or greater than the method detection limit but less than the reporting limit.
K	Inorganic	Sample received unpreserved. Sample was either preserved at the time of receipt or at the time of sample preparation.
K	Organic	Detection limit may be elevated due to the presence of an unrequested analyte.
L	All	Elevated detection limit due to low sample volume.
M	Organic	Sample pH was greater than 2
N	All	Spiked sample recovery not within control limits.
O	Organic	Sample received overweight.
P	Organic	The relative percent difference between the two columns for detected concentrations was greater than 40%.
Q	All	The analyte has been detected between the limit of detection (LOD) and limit of quantitation (LOQ). The results are qualified due to the uncertainty of analyte concentrations within this range.
S	Organic	The relative percent difference between quantitation and confirmation columns exceeds internal quality control criteria. Because the result is unconfirmed, it has been reported as a non-detect with an elevated detection limit.
U	All	The analyte was not detected at or above the reporting limit.
V	All	Sample received with headspace.
W	All	A second aliquot of sample was analyzed from a container with headspace.
X	All	See Sample Narrative.
Z	Organics	This compound was separated in the check standard but it did not meet the resolution criteria as set forth in SW846.
&	All	Laboratory Control Spike recovery not within control limits.
*	All	Precision not within control limits.
+	Inorganic	The sample result is greater than four times the spike level; therefore, the percent recovery is not evaluated.
<	All	The analyte was not detected at or above the reporting limit.
1	Inorganic	Dissolved analyte or filtered analyte greater than total analyte; analyses passed QC based on precision criteria.
2	Inorganic	Dissolved analyte or filtered analyte greater than total analyte; analyses failed QC based on precision criteria.
3	Inorganic	BOD result is estimated due to the BOD blank exceeding the allowable oxygen depletion.
4	Inorganic	BOD duplicate precision not within control limits. Due to the 48 hour holding time for this test, it is not practical to reanalyze and try to correct the deficiency.
5	Inorganic	BOD result is estimated due to insufficient oxygen depletion. Due to the 48 hour holding time for this test, it is not practical to reanalyze and try to correct the deficiency.
6	Inorganic	BOD laboratory control sample not within control limits. Due to the 48 hour holding time for this test, it is not practical to reanalyze and try to correct the deficiency.
7	Inorganic	BOD result is estimated due to complete oxygen depletion. Due to the 48 hour holding time for this test, it is not practical to reanalyze and try to correct the deficiency.

Sample Condition Upon Receipt

Pace Analytical

Client Name: DEI

Project # 872249

Courier: ☐ Fed Ex ☒ UPS ☐ USPS ☐ Client ☐ Commercial ☐ Pace Other _____

custody Seal on Cooler/Box Present: ☐ yes ☒ no Seals intact: ☐ yes ☐ no

acking Material: ☐ Bubble Wrap ☒ Bubble Bags ☐ None ☐ Other _____

ermometer Used NA

Type of Ice: ☒ Wet ☐ Blue ☐ None

☐ Samples on ice, cooling process has begun

ooler Temperature 201

Biological Tissue is Frozen: Yes No

Date and Initials of person examining

contents: 5-24-06 AB

emp should be above freezing to 6°C

Comments:

Chain of Custody Present: ☒ Yes ☐ No ☐ N/A 1.

Chain of Custody Filled Out: ☒ Yes ☐ No ☐ N/A 2.

Chain of Custody Relinquished: ☒ Yes ☐ No ☐ N/A 3.

ampler Name & Signature on COC: ☒ Yes ☐ No ☐ N/A 4.

amples Arrived within Hold Time: ☒ Yes ☐ No ☐ N/A 5.

hort Hold Time Analysis (<72hr): ☐ Yes ☒ No ☐ N/A 6.

ush Turn Around Time Requested: ☐ Yes ☒ No ☐ N/A 7.

ufficient Volume: ☒ Yes ☐ No ☐ N/A 8.

orrect Containers Used: ☒ Yes ☐ No ☐ N/A 9.

-Pace Containers Used: ☒ Yes ☐ No ☐ N/A

ontainers Intact: ☒ Yes ☐ No ☐ N/A 10.

iltered volume received for Dissolved tests ☐ Yes ☐ No ☒ N/A 11.

ample Labels match COC: ☒ Yes ☐ No ☐ N/A 12.

-Includes date/time/ID/Analysis Matrix: W

ll containers needing preservation have been checked. ☐ Yes ☐ No ☒ N/A 13.

ll containers needing preservation are found to be in compliance with EPA recommendation. ☐ Yes ☐ No ☒ N/A

xceptions: VOA, coliform, TOC, O&G, WI-DRO (water) ☐ Yes ☐ No Initial when completed

amples checked for dechlorination: ☐ Yes ☐ No ☒ N/A 14.

eadspace in VOA Vials (>6mm): ☐ Yes ☒ No ☐ N/A 15.

rip Blank Present: ☐ Yes ☒ No ☐ N/A 16.

rip Blank Custody Seals Present ☐ Yes ☐ No ☒ N/A

Pace Trip Blank Lot # (if purchased): _____

Client Notification/ Resolution:

Field Data Required? Y / N

Person Contacted: _____ Date/Time: _____

Comments/ Resolution: _____

Project Manager Review: AB

Date: 5-24-06

Note: Whenever there is a discrepancy affecting North Carolina compliance samples, a copy of this form will be sent to the North Carolina DEHNR Certification Office (i.e. out of hold, incorrect preservative, out of temp, incorrect containers)



CHAIN-OF-CUSTODY / Analytical Request Document

The Chain-of-Custody is a LEGAL DOCUMENT. All relevant fields must be completed accurately.

Page: of

0959818

Section A

Required Client Information:

Company: REI

Address: 4000 N. 70th Ave

WILSON, W. L. ST-101

Email To:

Phone: 760 615-7788 Fax:

Requested Due Date/TAT:

Section B

Required Project Information:

Report To: David Long

Copy To:

Purchase Order No.:

Project Name: WILSON, W. L. ST-101

Project Number: 903

Section C

Invoice Information:

Attention: REI

Company Name:

Address:

Pace Quote Reference:

Pace Project Manager:

Pace Profile #:

REGULATORY AGENCY

☐ NPDES ☐ GROUND WATER ☐ DRINKING WATER
☐ UST ☐ RCRA ☐ Other

SITE LOCATION

☐ GA ☐ IL ☐ IN ☐ MI ☐ MN ☐ NC
☐ OH ☐ SC ☒ WI ☐ OTHER

Section D

Required Client Information

SAMPLE ID

One Character per box.
(A-Z, 0-9 / -)
Samples IDs MUST BE UNIQUE

Valid Matrix Codes
MATRIX CODE
DRINKING WATER DW
WATER WT
WASTE WATER WW
PRODUCT P
SOIL/SOLID SL
OIL OL
WIPE WP
AIR AP
OTHER OT
TISSUE TS

MATRIX CODE

SAMPLE TYPE
G=GRAB C=COMP

COLLECTED

COMPOSITE START

COMPOSITE END/GRAB

DATE

TIME

DATE

TIME

SAMPLE TEMP
AT COLLECTION

OF
CONTAINERS

Preservatives

Unpreserved

H₂SO₄

HNO₃

HCl

NaOH

Na₂S₂O₃

Methanol

Other

Filtered (Y/N)

Requested
Analysis:

Residual Chlorine (Y/N)

87224
Pace Project Number

Lab ID

ITEM #

1

2

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12

Additional Comments:

RELINQUISHED BY / AFFILIATION

DATE

TIME

ACCEPTED BY / AFFILIATION

DATE

TIME

SAMPLE CONDITION

Relinquished by REI
UPS

5/23
1010

UPS
C. Schufeldt

5/23
1010

3°C

Y/N Y/N Y/N
Y/N Y/N Y/N
Y/N Y/N Y/N

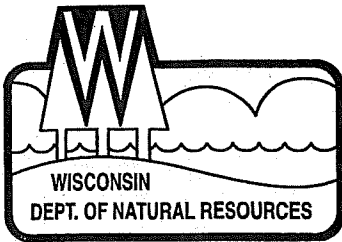
SAMPLER NAME AND SIGNATURE

PRINT Name of SAMPLER:

David Long

SIGNATURE of SAMPLER:

DATE Signed (MM/DD/YY)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Scott Hasset, Secretary
John Gozdziński, Regional Director

Northern Region Headquarters
810 W. Maple Street
Spooner, Wisconsin 54801
Telephone 715-635-2101
FAX 715-635-4105
TTY 715-635-4001

April 17, 2006

William Kozak
Tower Standard Service
14267 Hwy. 70
Lac du Flambeau, WI 54538

Subject: Denial of Case Closure By Committee
Tower Standard Service. 14267 Hwy 70, Lac du Flambeau
WDNR BRRTS # 03-64-127889

Dear Mr. Kozak:

On April 6, 2006, your site was reviewed for closure by the Northern Region Closure Committee. This committee reviews environmental remediation cases for compliance with state statutes and rules to maintain consistency in the closure of these cases. After careful review of your closure request, the closure committee has decided that additional site work is necessary at the above-described site, in order to meet the requirements for site closure.

Closure of your site was denied because the concentration of benzene in piezometer MW-9 has an increasing trend. Additional sampling of MW-9 should be conducted on a quarterly basis until concentrations of all parameters show a stable or decreasing trend. The stable or decreasing concentration trend would indicate that the residual contaminant plume is stable or receding. Collection of a groundwater sample several feet downgradient of MW-9 may also help to justify closure.

Once the additional work outlined above has been completed, a brief submittal should be sent to the Department. The information will be added to the file for review and your request for closure will be reconsidered.

If there is additional relevant information that was not previously provided to the Department, which you believe might change the Department's closure decision, you may submit that information for our re-evaluation of your closure request.

If you have any questions regarding this letter, please contact me at 715-365-8941.

Sincerely,

Charles L. Weister
Charles L. Weister
Hydrogeologist
Bureau for Remediation & Redevelopment

cc: Dave Larson, REI, 4080 N. 20th Ave, Wausau, WI 54401

Case Summary and Close Out Request

Form 4400-202 (R 5/04)

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WDNR BRRTS CASE # 03 - 64 - 127889

WDNR SITE NAME : Tower Standard Service

FOR DEPARTMENT USE ONLY

PROJECT MANAGER: Chuck Weister Date Reviewed: 3/2/06

() Approved () Denied () Sent to Committee

CLOSURE COMMITTEE DECISION ON CLOSURE:

FIRST COMMITTEE REVIEW DATE: 4-6-06 () Approved (X) Denied

(Signature)

(Signature)

(Signature)

(Signature)

COMMITTEE RECOMMENDATION:

Closure Approved With:

- ☐ No Restrictions
- ☐ Listing on GIS Registry due to Groundwater impacts
- ☐ Listing on GIS Registry due to Soil impacts
- ☐ Zoning Verification
- ☐ Deed Restriction
- ☐ Deed Notice
- ☐ Site Specific Close Out Letter
- ☐ Well Abandonment Documentation
- ☐ Soil Disposal Documentation
- ☐ NR 140 Exemption For: _____
- ☐ VPLE Insurance needed
- ☐ Other Conditions/Comments: _____

Closure Denied, Needs More:

- ☐ Investigation
- ☒ Groundwater Monitoring of HW-9
- ☐ Soil Remediation
- ☐ Groundwater Remediation
- ☐ Documentation of Soil Landspreading or Biopile Destiny
- ☐ Specific Comments: _____

Need to demonstrate HW-9 has a strong radiat on
stable trend.